

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MV3 PARTNERS LLC,

Plaintiff,

v.

ROKU, INC.,

Defendant.

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Civil Action No.: 6:18-cv-308

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MV3 Partners LLC (“MV3”), by and through its attorneys, for its Complaint against Defendant Roku, Inc. (“Roku”), hereby alleges the following:

I. NATURE OF THE ACTION

1. This is a patent infringement action to end Defendant’s unauthorized and infringing manufacture, use, sale, offering for sale, and/or importation of methods and products incorporating Plaintiff’s patented inventions.

2. MV3 is owner of all right, title, and interest in and to United States Patent No. 8,863,223 (the “’223 Patent”), issued October 14, 2014 and titled “Mobile Set Top Box.” A true and correct copy of the ’223 Patent is attached hereto as Exhibit A.

3. The ’223 Patent discloses a set top box that acts as a conduit between disparate data networks and display devices. The ’223 Patent describes a novel set top box that contains significant technical improvements over prior art set top boxes.

4. Roku manufactures, provides, sells, offers for sale, imports, and/or distributes products and services which directly infringe the '223 Patent. Further, Roku indirectly infringes the '223 Patent by inducing and/or contributing to infringement by others, including its service operators through licensing relationships and partners through Roku's Roku TV licensing program, in making and using Roku's products and services in an infringing manner. *See* <https://ir.roku.com/node/7416/html> (last visited Oct. 16, 2018).

5. MV3 seeks monetary damages and prejudgment interest for Defendant's past and continuing infringement of the '223 Patent.

II. PARTIES

6. Plaintiff MV3 Partners LLC is a limited liability company organized and existing under the laws of Florida, with its principal place of business at 4440 PGA Blvd., Suite 600, Palm Beach Gardens, Florida 33410.

7. Defendant Roku, Inc. is a corporation organized and existing under the laws of Delaware and is authorized to do business in Texas. Roku may be served through its agent for service of process, Corporation Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701. Roku has a research and development office at 9606 N. Mopac Expressway, Suite 400, Austin, Texas 78759.

8. According to Roku's Q2 2018 Shareholder Letter dated August 8, 2018, Roku forecasts, for 2008, total net revenue of between \$710 and \$730 million and total gross profit of between \$315 and \$327 million. Roku derives and will continue to derive substantial net revenues and gross profits from the licensing of Roku's platform to TV manufacturers and service providers. *See* <https://ir.roku.com/static-files/d7d2b538-5cd7-4f13-a9e8-3c7f2b47d1ea> (last visited Oct. 16, 2018).

III. JURISDICTION AND VENUE

9. This is an action for patent infringement, which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§ 271, 281, 282, 284, and 285. The Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

10. This Court has personal jurisdiction over Roku because it has committed acts giving rise to this action within Texas and within this judicial district. Defendant also regularly does business or solicits business in this District and in Texas, engages in other persistent courses of conduct and derives substantial revenue from products and/or services provided in this District and in Texas, and has purposefully established substantial, systematic, and continuous contacts with the District and should reasonably expect to be sued in a court in this District. For example, Roku has a research and development office in this District and has a Texas registered agent for service. Roku operates a website that solicits sales of the infringing products by consumers in this District and in Texas, has entered into partnerships with numerous resellers and distributors to sell and offer for sale the infringing products to consumers in this District and in Texas, both online and in stores, and offers support service to customers in this District and Texas. Given these contacts, the Court's exercise of jurisdiction over Roku will not offend traditional notions of fair play and substantial justice.

11. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391 (b), (c) and 1400(b) because Roku has an established place of business in this District, including at 9606 N. Mopac Expressway, Suite 400, Austin, Texas 78759, has committed acts within this judicial district giving rise to this action, and Roku continues to conduct business in this judicial district, including one or more acts of selling, using, importing and/or offering for sale infringing products or providing support service to Roku's customers in this District.

IV. THE PATENT-IN-SUIT

12. The '223 Patent discloses a set top box that provides functionality that enables a connected display device to render a television signal and enables an upconversion/upscaling process from a mobile computing device where media content residing on or being streamed to the mobile computing device is forwarded to a display device.

13. The specification of the '223 Patent identifies technical problems in the prior art and claims improvement to these problems. For instance, the specification explains that prior art set top boxes could only be used with the network that provided the box, such as Comcast or Verizon FIOS. ('223 Patent at 1:32-37.) Moreover, prior art mobile computing devices could not “be connected to large display monitors” and were “limited to displaying over-the-air signals on a mobile terminal.” *Id.* at 2:24-37. The specification further explains the need to “enable the mobile set top box to up-convert content intended for a mobile computer device, such as a mobile phone, so that the content is properly viewed on a larger display, such as a large screen HDTV.” *Id.* at 2:58-61. In essence, the '223 Patent claims a technical solution to these problems through a mobile set top box that combines the functionality of a set top box and a mobile communication system so that content normally available at discrete locations can be available any time. Further, the claimed mobile set top box can up-convert content intended for a mobile phone so that the content is properly viewed on a larger display. The claimed technical solution is further incorporated in at least claim 1 of the '223 patent.

14. MV3 owns all substantial and material rights to and interests in the '223 Patent, including the right to recover damages for all past and future infringement thereof.

15. The '223 Patent is valid and enforceable.

COUNT I: INFRINGEMENT OF THE '223 PATENT

16. MV3 incorporates paragraphs 1 through 15 herein by reference.

17. **Direct Infringement.** Roku, without authorization or license from MV3, has been and is presently directly infringing, literally or under the doctrine of equivalents, at least claim 1 of the '223 Patent, as infringement is defined by 35 U.S.C. § 271(a), including through making, using (including for testing purposes), selling and offering for sale infringing products. Roku is thus liable for direct infringement of the '223 Patent pursuant to 35 U.S.C. § 271(a). Exemplary infringing products include Roku's Roku TV, Roku's media players, such as the Roku Ultra, Roku Express, Roku Express+, Roku Premiere, Roku Premiere+, Roku Streaming Stick, Roku Streaming Stick+, and Roku's related Roku mobile app (collectively, "the Roku Devices").

18. For example, the Roku Devices infringe claim 1 of the '223 Patent because they provide functionality to enable the provisioning of both broadcast television and internet content for display on a television screen.

19. As reflected in Roku's own product literature illustrated below, the Roku Devices are configured to accept and receive content from a mobile computing device, such as an Android or iOS mobile phone. For example, the Roku Devices enable two-way wireless communication with a mobile computing device. Mobile computing devices are configured to receive media content (*e.g.*, content from the Roku mobile app) from at least two different types of communications networks (*e.g.*, cellular broadband and WiFi). All of this functionality is disclosed in at least claim 1 of the '223 Patent.

How do I display photos, videos, and songs on my TV using Play on Roku?

Background

When you want to display personal media files on your TV screen, you may be able to use the **Play on Roku** feature built in to the free Roku mobile app for iOS® and Android™ devices. Play on Roku lets you share photos, videos, and songs stored on your compatible mobile device to your Roku streaming player or Roku TV™. After you launch the mobile app and choose what to view from your phone or tablet, it will appear on your TV.



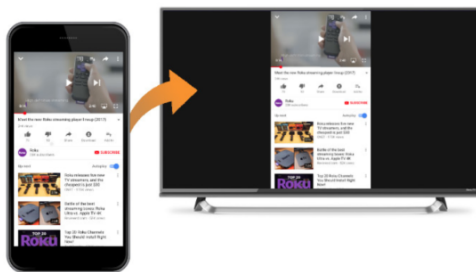
<https://support.roku.com/article/208755108-what-is-play-on-roku> (last visited Oct. 16, 2018).

How to use screen mirroring with your Android™ or Windows® device

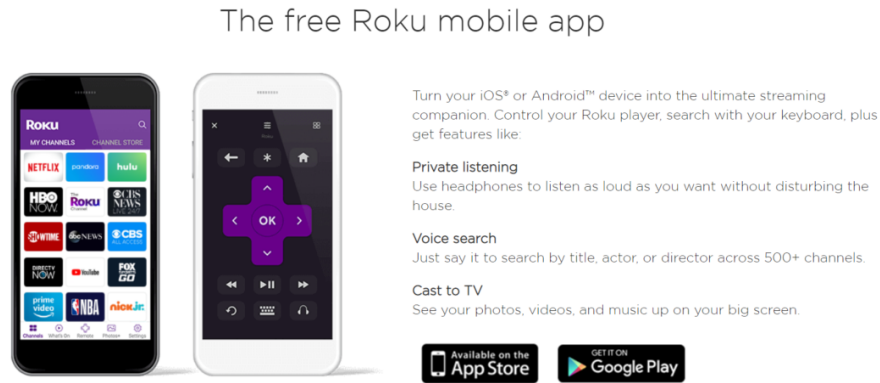
Background

When you want to display content from your phone or tablet on a nearby TV, you may be able to use **screen mirroring**. This feature allows you to replicate (or “mirror”) the screen of your compatible Android™ or Windows® device wirelessly onto your TV screen. With screen mirroring, you can send web pages, videos, photos, music, and more to your compatible Roku® streaming player or Roku TV™. In other words, whatever you see and do on your mobile device appears on your TV.

To use screen mirroring, you must first set up and enable the feature on your Android or Windows device and then request a connection to your Roku device. Once a connection is established, you can see your mobile screen on your TV and control it from your phone or tablet.

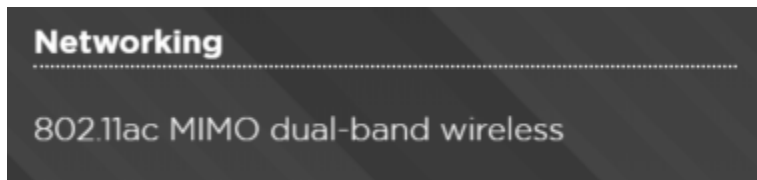


<https://support.roku.com/article/208754928-how-to-use-screen-mirroring-with-your-android-or-windows-device> (last visited Oct. 16, 2018).



<https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).

20. As reflected in Roku’s own product literature illustrated below, the Roku Devices provide for input of media content from a mobile computing device. For example, the Roku Devices are enabled to receive content cast from a mobile computing device. All of this functionality is disclosed in at least claim 1 of the ’223 Patent.



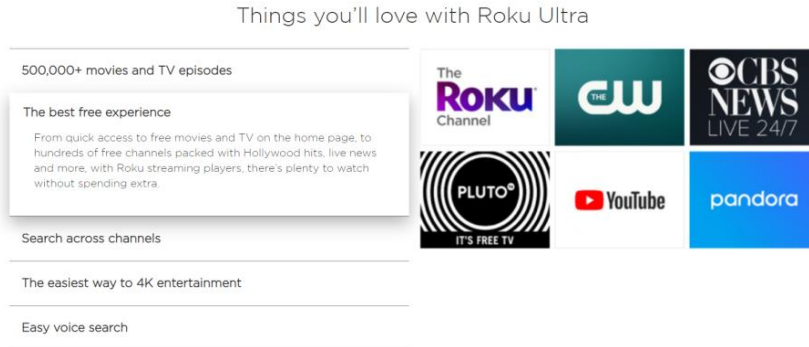
Id.

Screen Mirroring your phone or tablet

Only in connected mode, your TV has a feature called screen mirroring that lets you mirror your compatible smartphone or tablet on your TV. Share videos, photos, web pages, and more from compatible devices.

<https://image.roku.com/c3VwcG9ydC1B/Roku-TV-User-Guide-US-CA-8-0-2.pdf> (at pg. 127, last visited Oct. 16, 2018).

21. As reflected in Roku’s own product literature illustrated below, the Roku Devices provide for input of a television signal (*e.g.*, live television apps, such as the Roku Channel, DirecTV NOW, fuboTV, Hulu with Live TV, Philo, SlingTV, YouTube TV, and PlayStation Vue). All of this functionality is disclosed in at least claim 1 of the ’223 Patent.



<https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).

Can I get live or local TV?

Yes. Access networks like ABC, NBC, and FOX or cord-cutter channels like Sling TV and PlayStation™ Vue that offer the best of network programming for a low monthly fee. And Roku TVs let you access free live broadcast TV using your home's antenna.

<https://www.roku.com/how-it-works> (last visited Oct. 16, 2018).

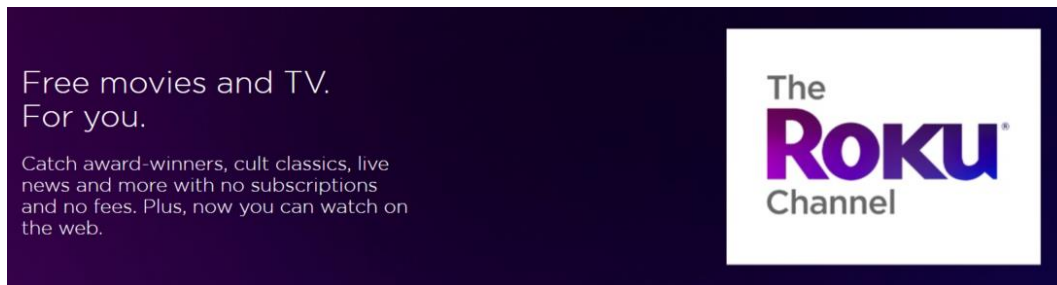
What are your best local streaming tips?



Local news (TV)

- Popular Roku channels [DIRECTV NOW](#), [Hulu with Live TV](#), [PlayStation Vue](#), and [Sling TV](#) deliver local channels in select markets*. If you're interested in CBS specifically, [CBS All Access](#) offers 126 live and local CBS channels. Note: these channel require a monthly subscription.
- [NewsON](#) (free) offers live and on-demand local newscasts and local news clips from in 170+ markets. What's cool about this channel is you can switch to different locations around the country. If you're missing your hometown newscasters, this is the channel for you!
- [LocalNow](#) (requires participating TV provider subscription after 30-day free trial) provides hyper-local weather, traffic, news and sports info from 207 locations across the country.
- Be sure to browse the "[News & Weather](#)" category of the Roku Channel Store and look for your local affiliates. Today there are 100+ free local news channels including [WGN Chicago](#), [KHOU Houston](#), [FOX25 Boston](#) and [WSB Atlanta](#).

<https://blog.roku.com/blog/2017/09/07/how-to-watch-local-channels-news-and-weather-on-your-roku-player-and-roku-tv/> (last visited Oct. 16, 2018).



<https://www.roku.com/whats-on/the-roku-channel> (last visited Oct. 16, 2018).

Cable alternatives and live TV streaming services

Are you looking for a live TV service that has specific channels like ESPN, HGTV or TNT? [Click here](#) to see the full channel lineups of the services below.

DIRECTV NOW

- Starts at \$35/month, after 7-day free trial
- Base package ([Live a Little](#)) includes 60+ channels including AMC, Bravo, ESPN, MTV, TNT and more

fuboTV

- Starts at \$19.99/month, after 7-day free trial
- Base package ([fubo Premier](#)) includes 75+ channels including FS1, NFL Network, NBA TV, bein Sports, Pac-12 Network and more

Hulu with Live TV

- Starts at \$39.99/month, after 7-day free trial
- Includes [50+ channels](#) including CNN, Fox News, Disney Channel, FX, HISTORY, Telemundo and more

Philo

- Starts at \$16/month, after 7-day free trial
- Base package includes [37 channels](#) including BBC America, Comedy Central, HGTV, Lifetime, OWN and more

PlayStation Vue

- Starts at \$39.99/month, after 5-day free trial
- Base package ([Access](#)) includes 25 channels including AMC, Animal Planet, Discovery, ESPN, FS1, FS2 and more

Sling TV

- Starts at \$20/month, after 7-day free trial (Psst...don't miss this limited time offer! With the purchase and activation of a new Roku player or Roku TV by 4/7/18, new Sling TV customers can [get \\$50 in Sling TV credits](#).)
- Base package ([Sling Orange](#)) includes 30 channels including A&E, Cartoon Network, Food Network, Freeform, TNT and more

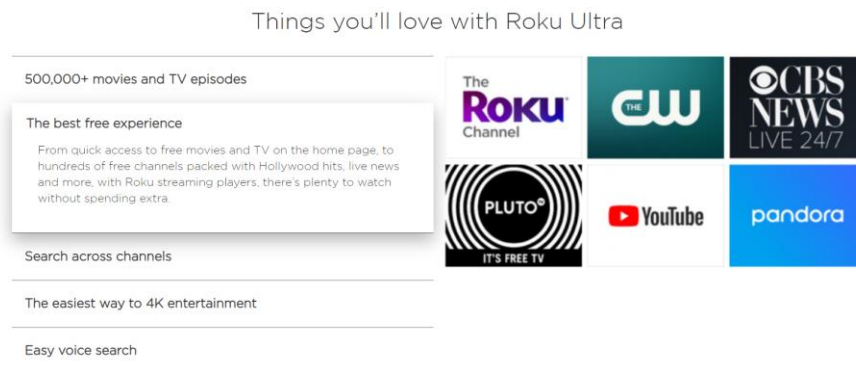
YouTube TV

- Starts at \$35/month, after 7-day free trial
- Includes 50+ channels including BTN, NBC Sports, CBS Sports, The CW, Fox Sports and more

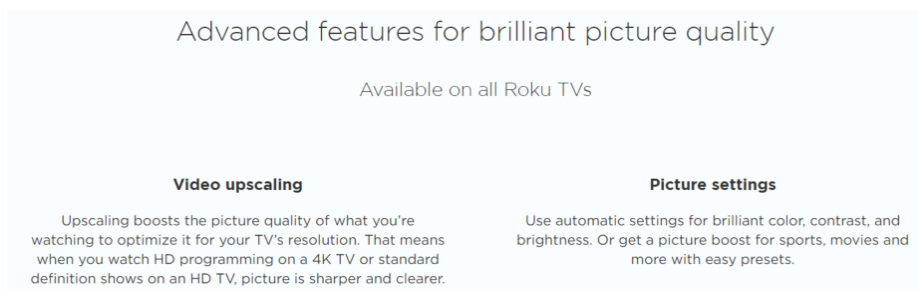
Stream on!

<https://blog.roku.com/cable-alternatives> (last visited Oct. 16, 2018).

22. As reflected in Roku's own product literature illustrated below, the Roku Devices have a video processor that is configured to receive and process media content from a mobile computing device. Moreover, the video processor within the Roku Devices can process media content from unicast and multicast broadcasts and is able to process a predefined protocol stack of video packets. All of this functionality is disclosed in at least claim 1 of the '223 Patent.



<https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).



<https://www.roku.com/roku-tv/picture-quality> (last visited Oct. 16, 2018).

Roku Supported and Unsupported Video Formats

The Roku Media Player channel enables you to play back personal video, music and photo files from a DLNA server on your local network or a USB drive attached to a USB equipped Roku.

The following media file formats are Roku supported:

- › Video — MKV (H.264), MP4 (H.264), MOV (H.264), WMV (VC-1, firmware 3.1 only)
- › Music — AAC, MP3, WMA, FLAC (firmware 5.3 and later), WAV (firmware 5.3 and later)
- › Photo — JPG, PNG, GIF (non-animated)

<http://open-media-community.com/2015/01/27/stream-any-format-to-roku/> (last visited Oct. 16, 2018).

23. As reflected in Roku's own product literature illustrated below, the Roku Devices have a processor that enables upconversion. All of this functionality is disclosed in at least claim 1 of the '223 Patent.

Power. Picture.
Performance.

Top-of-the-line with a quad-core processor and our best wireless, the Roku Ultra is perfect for heavy streaming in HD, 4K, and HDR.

<https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).

Advanced features for brilliant picture quality

Available on all Roku TVs

Video upscaling

Upscaling boosts the picture quality of what you're watching to optimize it for your TV's resolution. That means when you watch HD programming on a 4K TV or standard definition shows on an HD TV, picture is sharper and clearer.

Picture settings

Use automatic settings for brilliant color, contrast, and brightness. Or get a picture boost for sports, movies and more with easy presets.

<https://www.roku.com/roku-tv/picture-quality> (last visited Oct. 16, 2018).

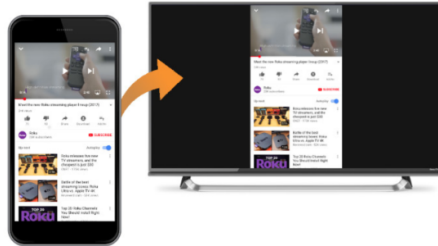
24. As reflected in Roku's own product literature illustrated below, the Roku Devices are capable of upconverting media content from a mobile computing device for display on a larger display device (*e.g.*, the display of a TV). All of this functionality is disclosed in at least claim 1 of the '223 Patent.

How to use screen mirroring with your Android™ or Windows® device

Background

When you want to display content from your phone or tablet on a nearby TV, you may be able to use **screen mirroring**. This feature allows you to replicate (or “mirror”) the screen of your compatible Android™ or Windows® device wirelessly onto your TV screen. With screen mirroring, you can send web pages, videos, photos, music, and more to your compatible Roku® streaming player or Roku TV™. In other words, whatever you see and do on your mobile device appears on your TV.

To use screen mirroring, you must first set up and enable the feature on your Android or Windows device and then request a connection to your Roku device. Once a connection is established, you can see your mobile screen on your TV and control it from your phone or tablet.



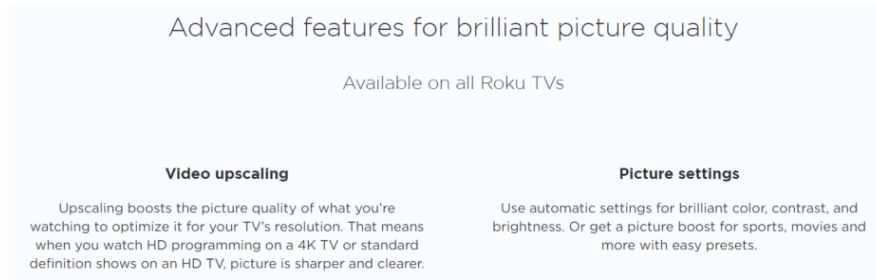
<https://support.roku.com/article/208754928-how-to-use-screen-mirroring-with-your-android-or-windows-device> (last visited Oct. 16, 2018).



(photo: Roku)

Not only is the Roku Ultra one of the only set-top streaming devices on the market that can handle the entire battery of next-generation display technologies (not just 4K, but also 60fps and HDR), but it also features the ability to upscale lower-resolution content up to 4K. This is important, as native 4K content is still in relatively short supply (the best place to get it today is probably Netflix, which is pushing the format hard, particularly with its original programming). Without this feature, your 4K TV could be spending remarkably little time actually displaying stuff in 4K.

<https://www.forbes.com/sites/sethporges/2016/09/28/why-you-should-upgrade-to-the-roku-ultra-set-top-box/#feb4c443c061> (last visited Oct. 16, 2018).



<https://www.roku.com/roku-tv/picture-quality> (last visited Oct. 16, 2018).

25. As reflected in Roku's own product literature illustrated below, the Roku Devices receive media content from the mobile computing device in a first format. All of this functionality is disclosed in at least claim 1 of the '223 Patent. See <https://support.roku.com/article/208754928-how-to-use-screen-mirroring-with-your-android-or-windows-device> (last visited Oct. 16, 2018).

26. The Roku Devices determine a file format from the mobile computing device. This functionality is disclosed in at least claim 1 of the '223 Patent.



<https://www.forbes.com/sites/sethporges/2016/09/28/why-you-should-upgrade-to-the-roku-ultra-set-top-box/#feb4c443c061> (last visited Oct. 16, 2018).

What file types are supported with Play on Roku?

Play on Roku supports the following file types:

Photos: JPG and PNG

Video: MP4 (MPEG-4 Pt 14), MOV, M4V

Music: MP3 and M4A (*DRM-protected music files, such as M4P, are not supported)

Notes:

- Only videos captured with your mobile device are supported.
- Non-standard aspect ratio videos (such as those taken with Instagram) may not be supported.

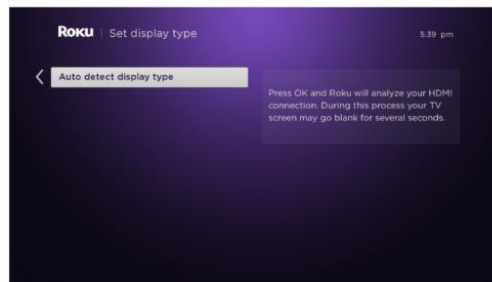
<https://support.roku.com/article/208755108-how-to-display-photos-on-the-tv-using-play-on-roku>

(last visited Oct. 16, 2018).

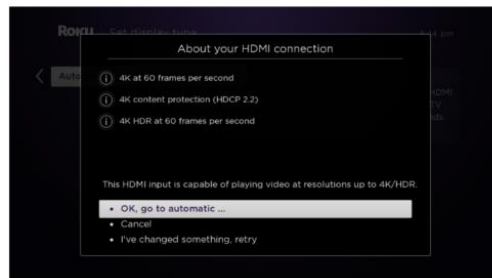
27. As reflected in Roku's own product literature illustrated below, the Roku Devices query the display device by determining the required display resolution and determine the native display resolution of the second size format of the display device based on a response resulting from the query of the display device. All of this functionality is disclosed in at least claim 1 of the '223 Patent.

How do I configure my player to always detect the best resolution and frame rate?

During setup, your Roku player will analyze the HDMI* connection to determine the resolutions and frame rates supported by your TV. Select **Auto detect display type** to begin this process.



Based on the information reported by your TV, your Roku player can automatically select the highest resolution and frame rate so you don't have to manually configure the settings. To put your player into this automatic mode, choose **OK, go to automatic...** after the HDMI connection is analyzed.

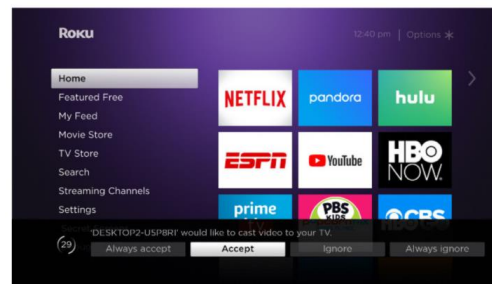


<https://support.roku.com/article/115009246867-how-to-change-the-display-type-on-your-roku-streaming-player> (last visited Oct. 16, 2018).

28. As reflected in Roku's own product literature illustrated below, the Roku Devices authenticate the validity of the user and determine whether the media is permitted to be displayed. This functionality is disclosed in at least claim 1 of the '223 Patent.

How do I allow or block a screen mirroring request?

When a screen mirroring request is made from your Android or Windows device, your Roku device displays an on-screen prompt across the bottom of your TV screen.



From the prompt, you can choose from the following options to allow or block the request.

- **Always accept** - Always allow content from the device to be screen mirrored to your Roku device without displaying the on-screen prompt for each future attempt. This action adds the device to a list of 'Allowed devices'.
- **Accept** - Allow content from the device to be screen mirrored on your Roku device for this one attempt.
- **Ignore** - Block the current attempt and do not allow the device to connect to your Roku device.
- **Always ignore** - Always block an attempt from the device, and do not display an on-screen prompt for future

<https://support.roku.com/article/208754928-how-to-use-screen-mirroring-with-your-mobile-device> (last visited Oct. 16, 2018).

29. As reflected in Roku's own product literature illustrated below, the Roku Devices upscale the received content from mobile computing device to provide upconverted media content to the display. This functionality is disclosed in at least claim 1 of the '223 Patent.



(photo: Roku)

Not only is the Roku Ultra one of the only set-top streaming devices on the market that can handle the entire battery of next-generation display technologies (not just 4K, but also 60fps and HDR), but it also features the ability to upscale lower-resolution content up to 4K. This is important, as native 4K content is still in relatively short supply (the best place to get it today is probably Netflix, which is pushing the format hard, particularly with its original programming). Without this feature, your 4K TV could be spending remarkably little time actually displaying stuff in 4K.

<https://www.forbes.com/sites/sethporges/2016/09/28/why-you-should-upgrade-to-the-roku-ultra-set-top-box/#feb4c443c061> (last visited Oct. 16, 2018).

Advanced features for brilliant picture quality

Available on all Roku TVs

<p>Video upscaling</p> <p>Upscaling boosts the picture quality of what you're watching to optimize it for your TV's resolution. That means when you watch HD programming on a 4K TV or standard definition shows on an HD TV, picture is sharper and clearer.</p>	<p>Picture settings</p> <p>Use automatic settings for brilliant color, contrast, and brightness. Or get a picture boost for sports, movies and more with easy presets.</p>
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<https://www.roku.com/roku-tv/picture-quality> (last visited Oct. 16, 2018).

30. As reflected in Roku's own product literature illustrated below, the Roku Devices render a television signal into media content for display device, receive a television signal from the television input, decode the television signal into media content, and render the media content on the display device. This functionality is disclosed in at least claim 1 of the '223 Patent.

Can I get live or local TV?

Yes. Access networks like ABC, NBC, and FOX or cord-cutter channels like Sling TV and PlayStation™ Vue that offer the best of network programming for a low monthly fee. And Roku TVs let you access free live broadcast TV using your home's antenna.

<https://www.roku.com/how-it-works> (last visited Oct. 16, 2018).

Things you'll love with Roku Ultra

500,000+ movies and TV episodes

The best free experience

From quick access to free movies and TV on the home page, to hundreds of free channels packed with Hollywood hits, live news and more, with Roku streaming players, there's plenty to watch without spending extra.

Search across channels

The easiest way to 4K entertainment

Easy voice search

<https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).

What are your best local streaming tips?



Local news (TV)

- Popular Roku channels DIRECTV NOW, Hulu with Live TV, PlayStation Vue, and Sling TV deliver local channels in select markets*. If you're interested in CBS specifically, CBS All Access offers 126 live and local CBS channels. Note: these channels require a monthly subscription.
- NewsON (free) offers live and on-demand local newscasts and local news clips from in 170+ markets. What's cool about this channel is you can switch to different locations around the country. If you're missing your hometown newscasters, this is the channel for you!
- LocalNow (requires participating TV provider subscription after 30-day free trial) provides hyper-local weather, traffic, news and sports info from 207 locations across the country.
- Be sure to browse the "News & Weather" category of the Roku Channel Store and look for your local affiliates. Today there are 100+ free local news channels including WGN Chicago, KHOU Houston, FOX25 Boston and WSB Atlanta.

<https://blog.roku.com/blog/2017/09/07/how-to-watch-local-channels-news-and-weather-on-your-roku-player-and-roku-tv/> (last visited Oct. 16, 2018).

31. As reflected in Roku's own product literature illustrated below, the Roku Devices have an output that enables displaying content on the display device from both a mobile computing device and also from a television signal. This functionality is disclosed in at least claim 1 of the '223 Patent. See <https://www.roku.com/products/roku-ultra> (last visited Oct. 16, 2018).

Get the most out of your new TV

Follow these simple steps to get the most out of your new TV.

1. Connect to the Internet
 - It's simple, it's easy, and it will unlock a world of entertainment. All you need is a network connection. There are hundreds of free streaming channels, paid subscription services like Netflix and Spotify, and convenient ways to rent or buy a favorite film or show with, for example, Google Play.
2. Pick your favorite streaming channels
 - Find the entertainment you love. From the latest blockbuster movies to your favorite TV shows, with tons of live sports, a broad selection of music streaming channels, popular programming in a dozen international languages, 24x7 live news and so much more, your new Roku TV has your sweet spot. A paid subscription or other payments may be required for some channels.
3. Find Antenna TV shows in the Smart Guide
 - *Only in the United States*, use the Smart Guide to see not only what's on TV right now, but what was on up to a week ago, and what will be on in the coming two weeks. And for many over-the-air programs, if you start watching the program after it is already in progress, or you see something you missed in the Smart Guide, you can use More Ways to Watch to find streaming channels where you can see the show from the beginning, find other episodes, or entire seasons of the show, if applicable.
- . . .
9. Send your personal media to the big screen
 - Send personal photos, videos, and music from your compatible smartphone or tablet to the TV screen in just a few taps. Plus, with certain channels, such as Netflix and YouTube, you can send movies, shows, sport highlights, and more directly to your TV.

<https://image.roku.com/c3VwcG9ydC1B/Roku-TV-User-Guide-US-CA-8-0-2.pdf> (at pgs. 1-2, last visited Oct. 16, 2018).

32. **Indirect Infringement.** At least since Roku's receipt of notice and/or the filing of this Complaint, Roku and its partners and service operators, including merchants and end-users, that use the Roku Devices and televisions that include the Roku infringing embedded technology, without authorization or license from MV3, have been and are presently directly infringing at least claim 1 of the '223 Patent. Such partners and service operators include, for example, Insignia Systems, Inc., TCL Corporation, Hisense Co., Ltd., Sharp Corporation, RCA Corporation, Hitachi, Ltd., Koninklijke Philips N.V., Element Brand Holding, LLC, Best Buy Co., Walmart Inc., Amazon.com, Inc., and QVC, Inc. See <https://www.roku.com/products/finder/roku-tv> (last visited Oct. 16, 2018). Roku is contributing to the infringement by others and/or inducing infringement

by others, by, among other things, providing live TV streaming apps of third parties and integrating Roku's infringing technology into Smart TVs of third parties. Roku has also contributed and/or induced, and continues to contribute and/or induce the infringement of at least claim 1 of the '223 Patent by contributing to and/or inducing its partners and service operators to use Roku's products, such as the Roku Devices and televisions that include Roku infringing technology, in an infringing manner as described above, including encouraging and instructing its partners and service operators through user manuals sold with the Roku Devices and televisions that include the Roku infringing technology and through advertising and promoting use of infringing products. Roku has specifically intended that its partners and service operators use its products that infringe at least claim 1 of the '223 Patent by, at a minimum, providing access to support, training, and instructions for its infringing products to its partners and service operators to enable them to infringe at least claim 1 of the '223 Patent, as described above. Roku has known, at least as early as the service of this Complaint, that its infringing products, such as the Roku Devices, cannot be used without infringing the technology claimed in the '223 Patent, and are not staple articles of commerce suitable for substantial non-infringing uses. For example, as alleged above, the Roku Devices contain the functionality that enables a connected display to render a television signal and also an upconverted/upscaled input from a mobile computing device. Such functionality is not part of a staple article of commerce suitable for substantial non-infringing uses.

33. MV3 is entitled to recover damages from Roku to compensate it for Roku's infringement, as alleged above, in an amount measured by no less than a reasonable royalty under 35 U.S.C. § 284.

V. DEMAND FOR JURY TRIAL

MV3 demands a trial by jury of any and all issues triable of right before a jury.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff MV3 respectfully requests that the Court:

- A. Enter a judgment that Roku directly infringed, contributorily infringed, and/or induced infringement of one or more claims of the '223 Patent;
- B. Enter a judgment awarding Plaintiff MV3 all damages adequate to compensate it for Defendant Roku's direct or contributory infringement of, or inducement to infringe, the '223 Patent, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;
- C. Declare this case exceptional pursuant to 35 U.S.C. §285; and
- D. Award Plaintiff MV3 its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: October 16, 2018

RESPECTFULLY SUBMITTED,

/s/ J. Mark Mann

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